

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

SCOTT J FRANKEL AND
SHELLY T. FRANKEL,

Debtor(s)

: Case No. 20-20542 -CMB

: Chapter 13

SCOTT J FRANKEL AND
SHELLY T. FRANKEL,

Movant(s),

v.

CHAS M. SLEDD
COMPANY,

Respondent(s).

**NOTICE OF ZOOM HEARING AND RESPONSE DEADLINE REGARDING
MOTION OF SCOTT J. FRANKEL AND SHELLY T. FRANKEL FOR MOTION TO AVOID
JUDICIAL LIEN OF CHAS M. SLEDD COMPANY**

TO THE RESPONDENT(S):

You are hereby notified that the Movant seeks an order affecting your rights or property.

You are further instructed to file with the Clerk and serve upon the undersigned attorney for Movant a response to the Motion by no later than MARCH 15, 2021 [*seventeen (17) days after the date of service below*], in accordance with the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and the general procedures of Judge Bohm as found on her Procedures webpage at <http://www.pawb.uscourts.gov/procedures-1>. If you fail to timely file and serve a written response, an order granting the relief requested in the Motion may be entered and the hearing may not be held. Please refer to the calendar posted on the Court's webpage to verify if a default order was signed or if the hearing will go forward as scheduled.

You should take this Notice and the Motion to a lawyer at once.

A ***Zoom Video Conference Hearing*** will be held on March 30, 2021, at 2 : 30 a.m. before Judge Carlota M. Bohm via the ***Zoom Video Conference Application*** ("Zoom"). To participate in and join a Zoom Hearing please initiate and use the following link at least 15 minutes prior to the scheduled Zoom Hearing time: <https://www.zoomgov.com/j/16143800191>, or alternatively, you may use the following Meeting ID: 161 4380 0191 For questions regarding the connection, contact Judge Bohm's Chambers at 412-644-4328. ***All attorneys and Parties may only appear by Zoom and must comply with Chief Judge Bohm's Zoom Procedures, which can be found on the Court's website at <https://www.pawb.uscourts.gov/sites/default/files/pdfs/cmb-proc-videohrg.pdf>.*** Under the current COVID-19 circumstances, the general public may appear telephonically if unable to do so via the Internet. When the need to appear telephonically arises, members of the general public should immediately contact Judge Bohm's Chambers to make telephonic arrangements. Only ten minutes is being provided on the calendar. No witnesses will be heard. If an evidentiary hearing is required, it will be scheduled by the Court for a later date.

Date of Service: February 25, 2021

Michael C. Mazack

Attorney for Movant/Applicant

/s/ Michael C. Mazack

Signature

501 Smith Drive, Suite 3
Cranberry Township, PA 16066

Address

7247793885

Telephone Number

205742

Attorney I.D. No.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
)	BANKRUPTCY NO. 20-20542-CMB
SCOTT J. FRANKEL AND)	
SHELLY T. FRANKEL,)	CHAPTER 13
)	
Debtors)	
)	
SCOTT J. FRANKEL AND)	
SHELLY T. FRANKEL,)	
)	
Movants,)	Docket No. _____
v.)	
)	
CHAS M. SLEDD COMPANY,)	
)	
Respondents.)	

MOTION TO AVOID JUDICIAL LIEN OF CHAS M. SLEDD COMPANY

AND NOW come, Scott J. Frankel and Shelly T. Frankel, as husband and wife (“Debtors”), by and through their undersigned counsel The Lynch Law Group, LLC and Michael C. Mazack, Esquire and move for an order pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid a judicial lien held by Chas M. Sledd Company (“Respondent”), and in support of this Motion state:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334(a). This matter is a core proceeding as provided by 28 U.S.C. § 157(b)(2)(K).
2. The Debtors filed a voluntary petition under Chapter 7 of the Bankruptcy Code on February 14, 2020.
3. The Debtor is entitled to an exemption in the Property in the amount of \$25,150, pursuant to 11 U.S.C. § 522(d)(1).
4. The Property has a fair market value of \$250,000.00.

5. The Property is subject to two judicial liens held by Chas M. Sledd Company. One judicial lien is in the amount of \$448,500.00 plus interest and costs and was filed with the Court of Common Pleas of Westmoreland County, Pennsylvania on July 26, 2017 at case no. 3723 of 2017 (Judgment Lien I). A true and correct copy of Judgment Lien I is attached hereto as Exhibit A.

6. The second judicial lien is in the amount of \$616,937.27 including attorneys' fees, costs and interest, and is based upon a judgment that was filed with the Court of Common Pleas of Westmoreland County, Pennsylvania at Case No. 3718 of 2018 on August 20, 2018 (Judgment Lien II). A true and correct copy of Judgment Lien II is attached hereto as Exhibit B.

7. The Property is subject to the following liens:

Mr. Cooper Home Mortgage	\$ 75,809.85
Key Bank Home Equity Line of Credit	\$102,137.85
Chas M. Sledd Company (Judgment I)	\$448,500.00
Chas M. Sledd Company (Judgment II)	\$665,416.03
Total:	\$1,291,863.72

8. Respondent holds a judicial lien which impairs an exemption that has been claimed by the Debtor in the following property: 111 Wynwood Court, Irwin, PA 15642 (the "Property").

9. The Debtors claim an exemption in the above-mentioned property pursuant to Federal Rule of Bankruptcy Procedure 1009(a) in the amount of \$25,150.00 pursuant to 11 U.S.C. § 522(d)(1).

10. The Property has a fair market value of \$250,000.00.

11. The Debtors state that Judgment II impairs the Debtor's exemption following the formula set forth in 11 U.S.C. § 522(f)(2):

Amount of Subject Lien (Judgment II)	\$ 665,416.03
Aggregate amount of other liens on the Property	\$ 626,447.70

Plus the value of Exemption Debtors could claim if there were no liens on the Property	\$ 25,150.00
Total:	\$1,317,013.73
Minus the value of Debtors' interest in property in absence of any liens (\$250,000-)	\$1,067,103.73

12. Because the extent of the impairment \$1,067,103.73 exceeds the entire value of Judgment II, the entire lien is avoidable.

WHEREFORE, the Debtors respectfully request this Court enter an Order:

- A. Avoiding Judgment II in its entirety; and
- B. Grant such other relief as is fair and equitable.

Respectfully submitted,

THE LYNCH LAW GROUP, LLC

/s/ Michael C. Mazack, Esq.
Michael C. Mazack, Esquire
Pa. I.D. 205742
mmazack@lynchlaw-group.com
ksnyder@lynchlaw-group.com

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHAS. M. SLEDD COMPANY, d/b/a
TEAM SLEDD,

Civil Action No. 3723 of 2017

Plaintiff

v.

SCOTT FRANKEL and SHELLY FRANKEL,
husband and wife, Personal Guarantors,

Defendants

NOTICE OF JUDGMENT OR ORDER

TO: ☐ Plaintiff
☒ Defendant
☐ Garnishee

Your are hereby notified that the following Order or Judgment
was entered against you on July 26, 2017.

(xx) Assumpsit Judgment in the amount
of \$448,500.00 plus costs.

☐ Trespass Judgment in the amount
of \$_____ plus costs.

☐ If not satisfied within sixty (60) days, your motor
vehicle operator's license and/or registration will
be suspended by the Department of Transportation,
Bureau of Traffic Safety, Harrisburg, PA.

(xx) Entry of Judgment of
☐ Court Order
☐ Non-Pros
☒ Confession
☐ Default
☐ Verdict
☐ Arbitration Award

Prothonotary

By: Christina O'Brien
PROTHONOTARY (OR DEPUTY)

THIS IS A NOTICE ONLY



IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHAS M. SLEDD
COMPANY,

Plaintiff

v.

TRIANGLE CANDY &
TOBACCO COMPANY, INC.,
SCOTT FRANKEL,
SHELLY FRANKEL,

Defendants

Civil Action No.

3718 & 2018

NOTICE OF JUDGMENT OR ORDER

TO: ☐ Plaintiff
☒ Defendant
☐ Garnishee

You are hereby notified that the following Order or Judgment
was entered against you on 8/20/18.

THIS IS A NOTICE ONLY

Scott Frankel
111 Wynwood Court
Irwin, PA 15642

- (xx) Assumpsit Judgment in the amount
of \$616,937.27 plus costs.
- ☐ Trespass Judgment in the amount
of \$_____ plus costs.
- ☐ If not satisfied within sixty (60) days, your motor
vehicle operator's license and/or registration will
be suspended by the Department of Transportation,
Bureau of Traffic Safety, Harrisburg, PA.
- (xx) Entry of Judgment of
☒ Court Order
☐ Non-Pros
☐ Confession
☐ Default
☐ Verdict
☐ Arbitration Award

Prothonotary

By: Chad D. Brown

PROTHONOTARY (OR DEPUTY)

